

## Frankfort Architectural Review Board

January 24, 2005

Members Present: Andy Casebier  
Dwayne Cook  
John Downs  
Roger Stapleton  
Joe Johnson (5)

There being a quorum, the meeting proceeded.

A motion was made by Dwayne Cook to approve the minutes of the meeting of December 14, 2004. The motion was seconded by Andy Casebier and carried unanimously.

The first item of business was a request from Gary & Rose Burke for a conditional use permit to allow the operation of a café and gift shop in the structure located at 519 Ann Street, zoned Special Historic. Mr. Robert Hewitt, Senior Planner, was present and stated in March of 2003, the owners were granted approval of a conditional use for a four bedroom bed & breakfast facility at this location. He added the Burkes have maintained the bed & breakfast since that time. Mr. Hewitt stated that on December 20, 2004, the Frankfort City Commission approved the Burke's request to rezone the property from RH - High Density Multi-family Residential to SH - Special Historic. He stated the applicant is requesting a conditional use permit to allow the rear of the structure and the rear patio to serve as the location for both a café and gift shop.

Mr. Hewitt stated the only construction required with the proposed uses would include the construction of a handicap accessible restroom within the building. Mr. Hewitt stated he had reviewed all the criteria for the request and found positive findings except for the 20' setback. He stated due to the proximity of the adjacent structures to the patio area, it is unlikely that the patio is 20 feet from the property line. Mr. Hewitt requested his verbal and written testimony be entered into the record and specifically requested the following conditions be entered into the record if the request were to be approved: 1) that the current City of Frankfort business license be amended or obtain a new license to reflect the additional uses; 2) the conditional use applies only for a café, within the areas shown on the attached site plan, and gift shop; 3) the conditional use permit is permitted only at 519 Ann Street; 4) the conditional use is granted only to Rose & Gary Burke; 5) the conditional use is not transferable and any change in ownership or use will make this approval null and void; 6) that any future signage meets the requirements of Section 4.405 of the Special Historic District, Article 13 Sign Regulations, and Article 19.016 Conditional Uses; 7) live/recorded music and/or entertainment of PA systems are prohibited on the exterior of the structure; 8) outdoor dining shall not occur before 8 A.M. or after 9:00 P.M.

Mr. & Mrs. Burke were present and stated there is a gate out there to enter and exit and that there would be five tables inside and many outside. They added they would like to serve at 7:00 A.M. but had no problem stopping at 9:00 P.M.

There was no one in the audience to speak in favor or in opposition to the request. Mr. Casebier stated he appreciated what the property owners have done and it has been an asset. A motion was made by Mr. Casebier to approve the request with the staff conditions being met with the exception that serving time be changed to 7:00 A.M. The motion was seconded by Mr. Cook and carried unanimously.

The next item of business was a request from Melinda Broughton, on behalf of The Glen Willis Tea Room, for reconsideration of a condition of approval relating to the issuance of a conditional use permit for the operation of a restaurant and gift shop at 900 Wilkinson Boulevard, zoned Special Historic. Mr. Robert Hewitt was present for the staff report. Mr. Hewitt stated on August 12,

2003, the ARB approved the applicant's request for a Certificate of Appropriateness to allow the construction of a building addition and parking lot as well as a conditional use permit to operate a restaurant with outdoor dining and a gift shop. He stated the applicant is now requesting that the Board reconsider a condition of approval relating to the conditional use permit for the restaurant use. He stated the condition in question involved adding additional landscaping and fencing to serve as a buffer from the adjoining residential property.

Mr. Hewitt stated staff found that the condition of requiring a landscape buffer along the south property line was appropriate and met the intent of several zoning ordinance requirements and was not an excessive requirement that would cause an undue hardship to the property owner/applicant. He stated staff recommended the Board maintain the existing conditions of approval that were imposed on the amended conditional use permit and that a 6 foot tall privacy fence was the remaining element of the Board condition. He added staff would support a buffer consisting of the addition of a double row of evergreen trees at 15-foot center and no fence. Mr. Hewitt passed out a letter from a neighbor, William Denton, who stated he had no problem with the fence stipulation being removed. Mr. Hewitt requested his written and verbal testimony be entered into the record.

Ms. Melinda Broughton, applicant, was present and stated they have planted four trees in the area and there is an existing tree that she stated Mr. Gary Muller, Planning Director, had looked at and that they could count as one of the trees. She added noise has not been a problem for Mr. Denton. Ms. Broughton stated a fence would take away from the historic home that it is. There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Mr. Stapleton to issue a certificate of appropriateness to grant the use of trees as a substitute buffering. The motion was seconded by Mr. Downs and carried unanimously.

The next item of business was a request from Cathy Gayhart, for a certificate of appropriateness to allow the demolition of an accessory structure, installation of vinyl gutters on all sides (formally half-round), and the installation of vinyl lattice on the front porch at 206 East Todd Street, zoned Special Capital. Mr. Hewitt was present for the staff report and stated the garage structure had been cited under the Property Maintenance Code for violation. He stated section 109.3.1 of the Property Maintenance Code state the following relating to the demolition of structures within areas under ARB jurisdiction: "no ARB review shall be required for any demolition order in accordance with section 109 or any demolition conducted under subsection 110.2. He stated the garage did not have to be addressed by the ARB.

Under gutters, Mr. Hewitt found a negative finding and stated during an inspection, staff found ½ round gutters were still present on the west elevation of the home. He stated on the lattice, the use of PVC on exterior remodeling projects was not common in the South Frankfort area but on limited occasions, vinyl fencing has been approved. Mr. Hewitt stated staff recommended approval of the lattice and denial of the PVC gutters. Mr. Hewitt requested the staff report and his verbal testimony be entered into the record.

Mr. Gayhart was present and had nothing to add.

Mr. Ray Peden was present representing his mother, Marina Peden. He stated she owns the house next door. He stated he was concerned about the garage demolition damaging the bricks to his mother's garage wall. Mr. Hewitt stated that would be addressed by staff and that he would bring it to the attention of the Building Inspector. The Board emphasized that every effort be made to not damage the adjoining property. Mr. Peden stated originally the house had half-round gutters but many now have aluminum box guttering and they would not be opposed to that. He stated they would object to the standard cross grid lattice. Mr. Downs stated he drove by the property today and 70% of the guttering in this block had aluminum K-style guttering. There was no one else in the audience to speak in favor or

in opposition to the request.

A motion was made by Mr. Cook to deny the installation of PVC gutters. The motion was seconded by Joe Johnson. Those voting in favor of the motion: Mr. Casebier, Mr. Cook, Mr. Johnson. Those voting in opposition: Mr. Downs and Mr. Stapleton. The motion carried 3-2.

A motion was made by Mr. Johnson to issue a certificate of appropriateness and approve the PVC lattice as requested. The motion was seconded by Mr. Downs. Those voting in favor of the motion: Mr. Downs, Mr. Johnson, Mr. Stapleton. Those voting against: Mr. Casebier and Mr. Cook. The motion carried 3-2.

The next item of business was a request from TKM, LLC, c/o Ann McBrayer, for a certificate of appropriateness to allow the demolition of the principal structure at 324 Capital Avenue, zoned Special Capital. Mr. Hewitt was present for the staff report and stated all required documentation for the demolition, as required in Article 4:, has been submitted by the applicant. Mr. Hewitt stated the one story single family structure was constructed around the 1900's and consists of a combination concrete/stone foundation, balloon frame construction with a cross hip roof configuration covered by asphalt shingles. He added the exterior is covered by horizontal wood lap siding. Mr. Hewitt stated the property has a lengthy history of structural and property maintenance violations dating back to 1972. He stated the most recent violation notice was issued in 2002 for failure to obtain a certificate of occupancy when a tenant moved into the structure. Mr. Hewitt stated the scalloped siding in the gable and the attic vent on the street front gable were important features. Mr. Hewitt stated the applicant stated the damage to the structure was from repetitive flooding. He stated the house is shifting in numerous areas. Mr. Hewitt stated staff recommended demolition of the property with the following two conditions: 1) a demolition permit not be issued nor acted upon by the owner until the property owner obtains a certificate of appropriateness for the construction of a replacement principal structure; and 2) an approval for demolition shall expire within twelve months unless an extension is granted by the Board. Mr. Hewitt requested his verbal and written testimony be entered into the record.

Mr. James Amato, Attorney, was present for the applicant and entered supplemental records to the Board. He stated they were in agreement with the two staff conditions and stated the property has been vacant and been on and off the market for the last several years. Mr. Amato stated Mr. Richard Douglas did the appraisal and was present if they questions. He stated the appraisal was \$65,000 and Ms. McBrayer has an option on the property and has not contributed to the neglect. Mr. Amato stated the windows go in several different directions, the floors inside shake like an earthquake and the foundation is in bad shape. He stated they intend to file for a conditional use permit in March before the ARB.

Mr. Casebier stated the staff and the applicant said there were not a lot of significant features to the house and he disagreed with that. He stated this building is significant for its massing. He added he did see significant damage to the building. Mr. Douglas Edwards stated he had a background in architectural renovation and he did not think there were a lot of pieces that could be re-used. Mr. Cook stated the submitted costs for renovation seemed to be out of line. Mr. Downs was in agreement and cited copper guttering and redwood siding mentioned in the report. Mr. Amato stated they want to put the house back as closely as possible. Mr. Johnson stated to do it right he felt you would have to take it down to a skeleton and then rebuild it. Mr. Casebier stated he felt the estimate was not right but he could see the building has significant problems. He stated he did not have a good feel to what an accurate cost to renovate the building would be.

Mr. Scott Walters, 243 West Main Street, was present and stated he was concerned about the precedent this might set and that the cost estimates submitted concerned him. He stated there are a number of items in the costs submitted that go above and beyond the ordinance. He stated he felt the costs submitted were exaggerated. He stated since the structure is balloon frame construction the sill plate was the real issue and information needed to be obtained for that. He added that

since this would be income producing property it might be eligible for a 20% tax credit. Mr. Walters stated he felt there should be a more precise viewpoint on how this is done and it might be more cost effective to repair. Mr. Amato asked what information they needed. Mr. Casebier stated they needed to find a contractor that dealt with this type of project. Mr. Downs stated he felt the figure were out of whack and there were mathematical problems with the cost estimate. Mr. Woods stated they can't do invasive investigations because Ms. McBrayer did not own the property and they can't cut a hole in the floor. Mr. Amato stated they would take a stab at it and asked if the Board could do a walk through with staff. Mr. Stapleton stated yes. Mr. Amato requested the item be tabled. Mr. Bob Polsgrove, 503 Wapping, stated it seemed to him that the importance of South Frankfort is its historical character rather than its architectural detail. He stated he was baffled on why they were focusing on architectural details and the structure was remarkable intact. A motion was made by Mr. Johnson to table the item. The motion was seconded by Mr. Casebier and carried unanimously.

The next item of business was a request from Mr. Thad West, for "The Dragon" requesting a certificate of appropriateness to allow the replacement of the storefront window with a modern window with wooden pain dividers attached to the exterior of the window for 103 West Main Street, zoned Central Business District. Mr. Hewitt was present and stated the applicant's request first appeared before ARB on October 21, 2004. At that time, the Board conditionally approved the applicant's request to replace the existing true divided light window with a simulated divided light window. He added the condition imposed by the Board was that the applicant provide documentation from two window restoration specialists documenting that either the original window is not repairable or if repairable, the cost would exceed 150% of the cost of the new proposed window. Mr. Hewitt stated the applicant submitted a letter from Murray Cleveland for a new window and that the old window was not repairable and the new window be installed and a divided light grid be attached overtop of the window. He stated the second submittal was from Martin Osinki for a repair cost estimate of \$2,237. Mr. Hewitt stated the applicant's cost for a new window was \$1,500 and so there was a \$13.00 difference for the threshold window replacement. Mr. Hewitt recommended that the original window be repaired and reinstalled or a new true divided light window constructed to match the original window be installed. Mr. Hewitt requested his verbal and written testimony be entered into the record.

Mr. Charlie Jones, Attorney, was present for the applicant and stated part of the difference of \$13.00 was the cost included \$400 for temporary work of covering the window with plywood. He stated if you take that out of the \$1,500 the cost estimate falls within. Mr. Jones added the new window is safer and the trim would be white and would not show. He stated they would use a design to match the grid work and requested the Board give staff the authority to approve the trim work. Mr. Stapleton stated he wished they had worked with staff first and investigated this issue.

A motion was made by Mr. Cook to approve the request and issue a certificate of appropriateness to allow the replacement with wooden pane dividers on the exterior and allow staff to approve the trim work. The motion was seconded by Mr. Downs and carried unanimously.

The next item of business was a request from Kenneth Isaacs for a certificate of appropriateness to allow miscellaneous exterior renovations to the structure at 302 Shelby Street. The applicant was not present. A motion was made by Mr. Cook to remove the item from the agenda. The motion was seconded by Mr. Johnson and carried unanimously.

A motion was made by Mr. Cook to adjourn. The motion was seconded by Mr. Downs and carried unanimously.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Recording Secretary